

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-8, 10-16 and 18-22 are presently active in this case. The present Amendment amends Claims 1-3, 12 and 13; cancels Claims 9 and 17 and adds Claims 21 and 22 without introducing any new matter.

The outstanding Office Action rejected then pending Claims 1-20 under 35 U.S.C. § 103(a) as follows:

(1) Claims 1-8 and 12-16 as being unpatentable over Honey et al. (U.S. Patent No. 5,564,698)(Honey '698) in view of Honey et al. (U.S. Patent No. 5,912,700) (Honey '700);

(2) Claims 9 and 17 as being unpatentable over Honey '698 in view of Honey '700 as applied above and in view of Englemeier (U.S. Patent No. 5,423,549); and

(3) Claims 10, 11 and 18-20 as being unpatentable over Honey '698 in view of Honey '700 as applied above and in view of Maleyko (U.S. Patent No. 5,228,686).

In order to clarify Applicant's invention, independent Claim 1 is amended to recite a first timer configured to delay turning the transmitter on for a predetermined time after actuation of the switching device. Similarly, independent Claim 12 is amended to recite means for delaying turning the transmitter on for a predetermined time after application of a shock to the golf ball. In addition, dependent Claims 2 and 22 recite that the transmitter is turned on several seconds after actuation of the switching device or the application of a shock to the golf ball. These features find non-limiting support in the disclosure as originally filed, for example at page 8, lines 8-13. Therefore, the changes to the claims are not believed to raise a question of new matter.

In response to the above-noted rejections under 35 U.S.C. § 103(a), Applicant respectfully requests reconsideration of these rejections and traverses the rejections, as discussed next.

Briefly recapitulating, Applicant's invention, as recited in Claim 1 relates to a golf ball having (1) a power source contained within a substantially spherically shaped body having a dimpled outer surface; (2) a transmitter coupled to the power source and configured to emit an electromagnetic signal; (3) a shock actuated switching device contained within the body; and (4) a first timer configured to delay turning the transmitter on for a predetermined time after actuation of the switching device. Applicant's invention, as recited in Claim 12 relates to a golf ball having (1) a power source contained within a substantially spherically shaped body having a dimpled outer surface; (2) a transmitter coupled to the power source and configured to emit an electromagnetic signal; and (3) means for delaying turning the transmitter on for a predetermined time after application of a shock to the golf ball.

As explained in Applicant's specification at page 8, lines 4-13 with corresponding Figures 3 and 4, Applicant's invention may include a timing circuit 36 to delay the transmission of the electromagnetic signal during a time T2. This delay is advantageous in a system of the present invention which only requires an electromagnetic transmission after the golf ball has come to rest. The claimed invention thus saves power which leads to an improved lifetime of the power source 24.

Turning now to the applied prior art, Honey '698 discloses a hockey puck including an electromagnetic transmitter system that is instantaneously turned on using a shock sensor and is turned off using a timer. Honey '698, however, fails to teach or suggest Applicant's claimed golf ball having an electromagnetic transmitter that is **not** instantaneously turned on but instead whose signal is delayed for a predetermined time after actuation of a shock

sensor. In particular, and as acknowledged by the outstanding Office Action,<sup>1</sup> Honey '698 fails to teach or suggest the claimed golf ball. The outstanding Office Action rejected Applicant's then pending claims based on the proposition that Honey '700 suggested placing the transmission system of Honey '698 in a golf ball.<sup>2</sup> Applicant respectfully submits, however, that neither Honey '698 or Honey '700 discloses the above-noted feature related to delaying turning the transmitter on for a predetermined time<sup>3</sup> after application of a shock to the golf ball, as next discussed.

As explained in Honey '698, the shock sensor 114 turns on the diodes and then automatically turns off the diodes after a predetermined period of time before all available power has dissipated.<sup>4</sup> Thus, Honey '698 does not teach or suggest either (1) a first timer configured to delay turning the transmitter on for a predetermined time after actuation of the switching device as recited in Claim 1; or (2) means for delaying turning the transmitter on for a predetermined time after application of a shock to the golf ball as recited in Claim 12. In Honey '698, the shock sensor 114 turns on the diodes without the use of a delaying timer or delaying means as set forth in Claims 1 and 12.

Likewise, delaying turning the transmitter for several<sup>5</sup> seconds after application of the shock to the golf ball as recited in Claims 2 and 22 is clearly not taught or suggested by the applied prior art.

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<sup>1</sup> See outstanding Office Action at page 3, lines 20-22.

<sup>2</sup> See outstanding Office Action from page 4, lines 5-7.

<sup>3</sup> As set forth on page 8, lines 4-13, the predetermined time delay is built in to save power by permitting the electromagnetic transmission to start after the golf ball has come to rest.

<sup>4</sup> See column 6, lines 39-48, of Honey '698. On page 4 of the outstanding Office Action, with respect to Claim 3 (the claim closest to the subject matter now recited in Claims 1 and 12), the Examiner stated that Honey '698 discloses that the timing and control circuit 154 is used to detect the edge from the shock sensor and automatically turn on and off the diodes after a predetermined time. However, the Examiner do not explain how the timing and control circuit 154 of Honey '698 delays transmission for a predetermined time after detection of shock from the shock sensor.

<sup>5</sup> The common definition of "several" is "more than two or three but not many." Applicant notes that the mere breadth of a claimed term such as "several" does not in and of itself make the claimed term indefinite. See In re Miller, 441 F.2d 689, 693, 169 USPQ 597, 600 (CCPA 1971).

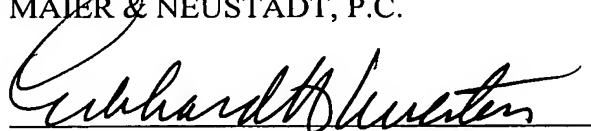
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For the reasons set forth Claims 1-8, 10-16 and 18-22 are patentable over the applied prior art. Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-8, 10-16 and 18-22 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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